

United States District Court

for the
Western District of New York



United States of America

v.

Case No. 19-mj-
(Under Seal)

5230

ROBERT NOTTO

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

(1) On or about July 28, 2017, in the county of Erie, in the Western District of New York, the defendant, ROBERT NOTTO, did knowingly distribute child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, in violation of **Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(b)(1);**

(2) On or about November 20, 2017, in the county of Erie, in the Western District of New York, the defendant, ROBERT NOTTO, did knowingly possess child pornography, as defined in Title 18, United States Code, Section 2256(8), that had been shipped and transported using any means and facility of interstate and foreign commerce, including by computer, in violation of **Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(1);**

(3) Between on or about March 1, 2017 and July 31, 2017, the exact date being unknown, in the County of Erie, in the Western District of New York, the defendant, ROBERT NOTTO, using a facility and means of interstate and foreign commerce, that is, the internet, did knowingly persuade, induce, entice, and coerce Minor Victim 1, an individual who has not attained the age of 18 years, to engage in sexual activity for which any person could be charged with a criminal offense, in violation of **Title 18, United States Code, Section 2422(b).**

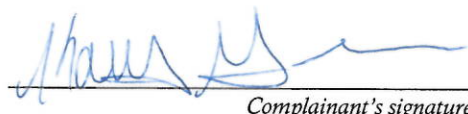
This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: August 29, 2019

City and State: Buffalo, New York


Complainant's signature

KATHRYN M. GAMBLE
SPECIAL AGENT
HOMELAND SECURITY INVESTIGATIONS

Printed name and title


Judge's signature

MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, Kathryn M. Gamble, being duly sworn, depose and state the following:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations ("HSI"). I have been employed as a Special Agent since June of 2008. I am currently assigned to the HSI Special Agent in Charge in Buffalo, New York. As part of my daily duties as a Special Agent with HSI, I investigate crimes involving child exploitation and child pornography including violations pertaining to the transportation, production, distribution, receipt, and possession of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. Additionally, I investigate crimes involving coercion and enticement in violation of Title 18, United States Code Sections 2422(a) and 2422(b). I have received formal and on the job training in the area of child pornography and child exploitation. I have participated in the execution of numerous search warrants involving child pornography and the seizure of computers and other storage media. I have interviewed many individuals involved in child pornography and the sexual exploitation of children.

2. I make this affidavit in support of a criminal complaint charging Robert NOTTO, with violations of Title 18, United States Code, Section 2252A(a)(2)(A) as he did knowingly distribute child pornography that had been transported in and affecting interstate or foreign commerce by computer; Title 18, United States Code, Section 2252A(a)(5)(B) as

he did knowingly possess and access with intent to view child pornography that had been transported in and affecting interstate or foreign commerce by computer; and Title 18, United States Code, Section 2422(b), as he did knowingly engage in enticement of a minor.

3. All information contained in this affidavit is either personally known by me or has been related to me by other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Robert NOTTO did knowingly violate Title 18, United States Code, Sections 2252A(a)(2)(A), 2252A(a)(5)(B), and 2422(b).

4. In August of 2017, HSI Buffalo received information relating to a Cyber Tipline report, wherein, a thirteen (13) year old female child, Minor Victim 1 (hereinafter "MV 1") residing in Arizona, reported receiving child exploitive material, via the internet, from an adult male (later determined to be Robert NOTTO) residing in New York. It was reported that MV 1 received images of minor females engaged in sexually explicit conduct from this male. The MV 1 reported that the adult male told her that the explicit photos he sent her depicted his five (5) year old sister.

5. MV 1 reported that she had met this male individual in March of 2017 via the internet through the teen social network, MyLOL. MV 1 reported that the male individual told MV 1 that he is "into DDLG (Daddy Dom, Little Girls), torture, and a plethora of other

kinks.” He also told MV 1 that he makes his little sister “suck him off” and drink his urine. The male individual told MV 1 that he also has teen girls send him nude photos of themselves. MV 1 reported that this adult male has sent her nude images that this male purportedly has received from other teens. MV 1 also reported that NOTTO asked that she take nude photos of herself to send to him.

6. MV 1 reported that on July 28, 2017, NOTTO sent her a photo of a young girl who was naked, that NOTTO sent her this photo via Skype, and that NOTTO’s Skype username is “poke_trainer_rob”. As further discussed, this particular image was later viewed by HSI and determined to meet the definition of child pornography.

7. On August 3, 2017, your affiant requested that HSI Phoenix Special Agents conduct an interview of MV 1. Later on August 3, 2017, the HSI Phoenix agents conducted an interview of MV 1 and her legal guardian at their residence.

8. During the interview, MV 1 stated that she had been in contact with Rob NOTTO since March of 2017. She stated that Rob NOTTO is the male individual’s Facebook name. MV 1 stated that NOTTO asked her to take her clothes off on camera for him and to send nude photos of herself to him. MV 1 showed agents three images that NOTTO sent and distributed to her through skype; all three (3) photos are sexually explicit in nature and depict prepubescent female children. In one of the photos, a female child is being orally penetrated by an adult male penis. In another photo, a female child has what appears to be semen on

her face. In the third photo, a female child is nude and positioned in a squatting pose, with her vagina exposed to the camera. MV 1 told agents that she received these images from NOTTO on July 28, 2017, and that NOTTO claimed that the girl in the photos is his sister.

9. HSI Buffalo submitted the photos recovered from the MV 1's computer to the National Center for Missing and Exploited Children (NCMEC) to determine if they contained identified child victims. NCMEC returned a response stating that the images are of known child victims who have been identified by law enforcement as victims of child pornography.

10. On August 7, 2017, MV 1 was interviewed by a Childhelp counselor at Phoenix Children's Hospital, in Phoenix, Arizona. During the interview, MV 1 provided the following additional details: MV 1 stated that NOTTO sent her other explicit material, to include, animal torture, bestiality videos, and pornography depicting teenagers. MV 1 stated that NOTTO sent her pictures of his penis and also videos of himself masturbating. MV 1 stated that NOTTO wanted her to babysit other children, send him photos of those children, and if she did, he would marry her. MV 1 reported that NOTTO also engaged in online conversations with another individual about torturing children, and that NOTTO sent MV 1 screen captures of this conversation, wherein, the other user talks about trying to drown children.

11. On November 16, 2017, a search warrant was obtained to search the premises of 642 County Line Rd., Alden, NY 14004. On November 20, 2017, at approximately 6:30 AM, HSI agents met with Robert NOTTO's father near the New York State Police (NYSP) barracks in Albion, NY. This meeting was prearranged between HSI agents and a NYSP captain to advise him about the warrant and for officer safety purposes. The NYSP captain was also present at this meeting.

12. Upon advising NOTTO's father of the existence of the search warrant for his residence, regarding activities relating to his son, he was cooperative and provided information to agents. NOTTO's father told agents that his son, Robert NOTTO, does live at 642 County Line Rd., Alden, NY, but not in the main residence. NOTTO's father owns a motorhome that he maintains on his property that he allows his son Robert NOTTO to stay in. NOTTO's father further provided HSI agents verbal and written consent to search the motorhome.

13. At approximately 6:45 AM, NOTTO's father traveled with HSI agents to his residence, 642 County Line Rd., Alden, NY. Upon arrival, they were met by additional HSI agents. NOTTO's father approached the motorhome with HSI agents, and knocked on the door and called his son's name. Robert NOTTO exited the motorhome from the front driver's door without incident. HSI agents commenced a search on the motorhome. HSI agents noted that the motorhome appeared to be powered by the main residence, as a power cord was observed connected into the motorhome from the main house garage. While agents

conducted their search of the motorhome, NOTTO's father stood outside with HSI personnel and Robert NOTTO sat in a government vehicle with other HSI agents.

14. Robert NOTTO made the following statement to his father before any conversation ensued between Robert NOTTO and HSI agents: "I know it doesn't have everything to do with it, but this has a lot to do with what mom did; obviously I know it's no excuse and I apologize".

15. NOTTO engaged in limited conversation with HSI agents. During conversation, NOTTO told agents that in addition to his phone, he has one computer in the motorhome. Robert NOTTO provided agents with the password to his computer, but not to his cellular phone. Robert NOTTO told agents that he does not have his own Wi-Fi service; he uses the Wi-Fi from the main house.

16. Female children's underwear was discovered in the motor home. When agents asked Robert NOTTO about the female children's underwear, Robert NOTTO told agents that he had purchased them a couple of years ago. He stated that he has never had young girls in the motorhome with him. He stated that he has never sexually abused a child. When agents asked Robert NOTTO if they were going to find any pictures or evidence of young girls/children on his electronic devices he responded, "Honestly, I don't know".

17. When agents asked Robert NOTTO about the “chats” he was having with a girl about his younger sister, Robert NOTTO responded, “Oh, that’s just fake. It’s role play.” NOTTO told agents that he does have sisters, but they are all older, and he would never do anything to them. Agents told Robert NOTTO that the girl he sent pictures to was only thirteen (13) years old and that she reported it because she got scared; the thirteen (13) year old girl believed that images he sent to her might really depict his little sister. NOTTO replied, “Yeah, that’s understandable”.

18. The search of the motorhome resulted in the discovery and seizure of the electronic devices belonging to NOTTO. The devices were transported to the HSI Buffalo office located at 250 Delaware Ave., 8th Floor, Buffalo, New York, where they were secured in the computer forensic laboratory.

19. On January 8, 2018, a federal search warrant was issued authorizing the search of the devices seized from the motorhome. These items included: one HP Pavilion computer tower, one red and silver Samsung cellular phone, one white Apple iPhone 5C, and one Sandisk micro SD card.

20. On July 11, 2019, a forensic analysis of the above devices was completed by an HSI Buffalo computer forensic agent (CFA) and an Examination Report (dated July 11, 2019) was completed. The analysis of these devices resulted in the discovery of child exploitive material on the HP Pavilion computer tower. The Examination Report revealed that

approximately 70 images and 5 videos depicting child pornography and/or suspected child pornography were discovered on NOTTO's devices. The following files were discovered on the HP Pavilion computer tower:

a. 7B36E7FE9D1F801AABF102DAA489D80A565EA9996AFA854D77pimgpsh_fullsize_distr.jpg: This image file depicts a close-up view of a prepubescent female child's nude buttocks. The child is lying face down, with her nude buttocks exposed to the camera. An adult hand is pulling her buttocks apart, exposing her anus to the camera.

b. 3E89BCD833463CFA7FFB08A2C305897F2491B225369BDF6993pimgpsh_thumbnail_win_distr.jpg: This image file depicts an infant female baby lying nude on her back. An adult female is holding the infant's legs in the air while licking her exposed vagina.

c. F4DD3F46F5D886DD61DEF5D85353CF81AB5435D4DDDBCE8A69pimgpsh_fullsize_distr.jpg: This image file depicts a close-up view of an infant female child's vagina. The infant's diaper is pulled down and her onesie can be seen pulled up towards her stomach.

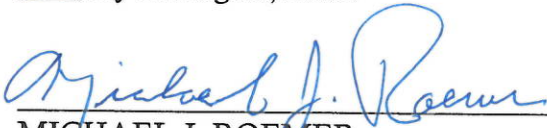
WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Robert NOTTO did knowingly violate Title 18, United States Code,

Section 2252A(a)(2)(A), Title 18, United States Code, Section 2252A(a)(5)(B), and Title 18, United States Code, Section 2422(b).



KATHRYN M. GAMBLE
Special Agent
Homeland Security Investigations

Sworn to before me this
29th day of August, 2019.



MICHAEL J. ROEMER
United States Magistrate Judge